

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,) CRIMINAL NO. 19-134
)
) SENIOR JUDGE JOY FLOWERS CONTI
)
vs.)
)
TERRY SUGGS, JR.,)
)
Defendant,)

MEMORANDUM OPINION

Pending before the court is a Pro Se Motion filed by defendant Terry Suggs, Jr. (“Suggs”) (ECF No. 285). The court held a telephone status conference to discuss the motion on March 16, 2023, at which Suggs and counsel for the government participated. The motion will be decided without a written response from the government.

In the motion, Suggs makes two requests: (1) that the court recommend to the Bureau of Prisons (“BOP”) that he be considered by the BOP for early release; and (2) that the court reduce his sentence for “COVID time.”

On May 3, 2022, Suggs was sentenced to 84 months in prison for a cocaine conspiracy pursuant to a Rule 11(c)(1)(C) plea agreement. The court considered both of Suggs’ requests at the time of his initial sentencing. The court already made the recommendation to the BOP that Suggs “be considered for early release programs if eligible,” as part of the Judgment. (*See* ECF No. 264 at 3).

With respect to a reduction for “COVID time,” the court discussed this request on the record at the sentencing hearing. The court denied the request because the court (and parties)

were bound by the parties' Rule 11(c)(1)(C) agreed sentence. In other words, the court was required to impose a term of 84 months in prison, once it accepted the parties' binding plea agreement. (ECF No. 273 at 12).¹

In accordance with the foregoing, Suggs' pro se motion (ECF No. 285) will be denied without prejudice.

An appropriate order follows.

BY THE COURT:

Dated: April 19, 2023

/s/ Joy Flowers Conti

Joy Flowers Conti
Senior United States District Judge

¹ To the extent that Suggs seeks early release based on a BOP "Covid time" policy, as he suggested during the March 16, 2023 telephone conference, his request needs to be directed to the BOP, not the court.